



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/625,421      07/25/00      DUMBAUGH

G      1112-1017. *SM*

EXAMINER

PM82/1002

JEFFREY R GRAY  
LEE MANN SMITH MCWILLIAMS SWEENEY & OHLS  
P O BOX 2786  
CHICAGO IL 60690-2786

*KING, B*  
ART UNIT

PAPER NUMBER

3613  
DATE MAILED:

10/02/01 *4*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/625,421

Applicant(s)  
Dumbaugh

Examiner  
Bradley King

Art Unit  
3613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jul 25, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 3 20) ☐ Other:

Art Unit: 3613

## DETAILED ACTION

### *Drawings*

1. Figures 1 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Schieber.

Schieber discloses all the limitations of the instant claims including: a vibratory apparatus with a bed 12, a plurality of inclined stabilizers 72, each stabilizer having a first end, a second end and a longitudinal axis, the first end of each stabilizer being attached to the bed, a first pair of rotatable eccentric weights 20a, and a second pair of rotatable eccentric weights (18a, 22a).

Art Unit: 3613

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumbaugh et al (4149627) in view of Rosenstrom.

Dumbaugh et al discloses an apparatus including: a vibratory apparatus with a bed 111, a plurality of inclined stabilizers 115, each stabilizer having a first end, a second end and a longitudinal axis, the first end of each stabilizer being attached to the bed, and a plurality of drive springs 114. Dumbaugh et al lack the disclosure of two separate pairs of eccentric weights. Rosenstrom teaches a control system and plurality of motor and weight pairs in a vibratory apparatus. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the motors and control system of Rosenstrom in the bed structure of Dumbaugh et al to provide operation and control through multiple vibratory modules, thereby reducing the cost and increasing the durability of the system.

Regarding claim 6, Dumbaugh et al disclose a counterbalance 116.

Regarding claim 7, Dumbaugh et al disclose isolation springs 117.

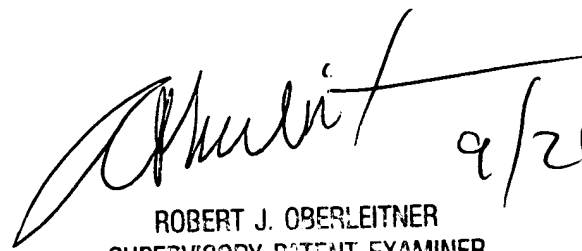
Art Unit: 3613

Regarding claims 8 and 16, the modification of the spring rates and the motor/weight characteristics is well known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify either through routine experimentation and optimization to achieve the desired movement.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mikata et al and Venanzetti. Both show vibratory conveyors.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley King whose telephone number is (703)308-8346.

 9/26/01  
ROBERT J. OBERLEITNER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

BTK

September 25, 2001